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Attorneys for Plaintiff

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S.W., T.M., I.B., T.W., K.H.,	:
and D.A.,	:
	:
Plaintiffs,	:
	:
	: SUPERIOR COURT OF NEW JERSEY
	: LAW DIVISION: ESSEX COUNTY
	: DOCKET NO.:
	:
	: Civil Action
v.	:
	:
	: COMPLAINT AND JURY DEMAND
CITY OF LONG BRANCH, LONG BRANCH	:
HOUSING AUTHORITY, DANIEL GIBSON,	:
TYRONE GARRETT, JOHN DOES (1-10)	:
(fictitious names of unknown persons)	:
and ABC COMPANIES (1-10) (fictitious	:
names of unknown entities),	:
	:
Defendants.	:
	:
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Plaintiffs, S.W., T.M., I.B., T.W., K.H. and D.A¹ (hereinafter "Plaintiffs"), by way of
 Complaint against Defendants City of Long Branch, Long Branch Housing Authority, Daniel

¹ Plaintiffs' initials are provided in lieu of their full names to protect their identity pursuant to R. 1:38-3, as this matter concerns claims that Plaintiffs were victims of sexual offenses.

Gibson (in his individual and official capacity), and Tyrone Garrett (in his individual and official capacity), say as follows:

FACTS COMMON TO ALL COUNTS

THE PARTIES

1. Defendant City of Long Branch is a municipality incorporated under the laws of New Jersey.

2. Defendant Long Branch Housing Authority is a public housing authority operated by the City of Long Branch for low income residents.

3. Defendants City of Long Branch and the Long Branch Housing Authority are hereafter collectively referred to as ("LBHA").

4. Defendant Daniel Gibson ("Defendant Gibson"), at times relevant herein, is an individual who was employed by LBHA in the position of Chief of Staff. Upon information and belief, Defendant Gibson is a resident of the City of Newark, Essex County. This claim is brought against Defendant Gibson in his individual capacity and/or as an agent or servant of the LBHA acting during the course of his employment.

5. Defendant Tyrone Garrett ("Defendant Garrett"), at times relevant herein, is an individual who was employed by LBHA in the position of Executive Director. This claim is brought against Defendant Garrett in his individual capacity and/or as an agent or servant of the LBHA acting during the course of his employment.

6. Defendants Gibson and Garrett were supervisors of Plaintiffs at all times during their employment.

7. Defendants John Does (1-10) are New Jersey residents and are employees of

ADT at times relevant in this action. Defendants John Does (1-10) represent fictitious names for Defendants whose names are presently unknown who were employees who worked for Defendants during Plaintiff's employment. Upon information and belief, these Defendants live in the State of New Jersey. These individual Defendants engaged in illegal and tortious conduct against Plaintiff and/or engaged in and/or created a hostile work environment for Plaintiff, and/or conspired to engage in and/or create such conduct and/or hostile work environment.

8. Defendants ABC Companies (1-10) are fictitious sole proprietorships, companies, limited liability companies, partnerships, and/or other companies/entities who are not specifically named Defendants, who are unknown to Plaintiffs at this time but who may be identified during discovery in this matter and who are responsible to Plaintiffs for the claims set forth herein and/or which companies are responsible to Plaintiff as an employer and/or an aider and/or abettor for claims set forth herein.

9. All Defendants exercised significant control over the terms and conditions of the Plaintiffs' employment, including but not limited to their recruitment, hours, hiring and firing, promotion, pay, employees who reported to and/or worked with Plaintiffs, performance reviews of Plaintiffs and employees with whom Plaintiffs worked and/or reported, in addition to other aspects relating to their employment.

10. Plaintiffs are residents of New Jersey.

11. Throughout their respective employment, Plaintiffs were subjected to pervasive, severe, and continuing instances of sexual harassment from Defendants, including Defendant Gibson throughout their employment within their overall work environment, which included

regularly sexually explicit comments and conduct, including persistent stalking, sexual propositioning, sexually explicit questions and comments, and unwelcome physical touching and assault.

12. On a regular basis, for an extended period of time, Defendant Gibson used his supervisory position and power to sexually harass and assault employees and residents and proposition them for sexual favors in exchange for employment and/or residency.

13. Defendant Garrett and Defendant Gibson were close friends.

14. Defendant Garret was fully aware of Defendant Gibson's conduct and purposely looked the other way and otherwise failed to take any steps in stopping his unlawful conduct or taking any remedial measures to address the hostile and unsafe work environment created by Defendant Gibson.

FACTS RELATED TO POLICIES AND PROCEDURES

15. On November 16, 2016, the New Jersey Division of Civil Rights ("DCR") issued a Finding of Probable Cause in the matter of R.C. v. Long Branch Housing Authority, Dkt. No. EN25WM-63849, which stemmed from allegations of racial harassment, sexual harassment, and retaliation by the then-Head of Security Neil Walker and the LBHA.

16. R.C. v. Long Branch Housing Authority was filed in 2013.

17. The DCR's Finding of Probable Cause found, among other things, that the LBHA failed to maintain adequate anti-harassment and anti-discrimination policies under the Law Against Discrimination.

18. The DCR's Finding of Probable Cause included allegations of sexual harassment as to an employee as well as residents of the LBHA.

19. The DCR's Finding of Probable Cause described a culture within the LBHA that permitted the head of security to use an extremely degrading racial epithet to describe his workers, i.e., the "N-word."

20. The DCR's Finding of Probable Cause also described a retaliatory and hostile work environment within the LBHA.

21. On or about July 10, 2017, the LBHA entered into a Consent Order with the DCR in the case of R.C. v. Long Branch Housing Authority, which required, among other things, that LBHA review and revise its anti-discrimination policies within 60 days.

22. In addition, the Consent Order required the LBHA to conduct training concerning the Law Against Discrimination within six months of the entry of the consent order.

23. Further, the consent order provided that the New Jersey Division of Civil Rights will monitor the LBHA for compliance with the consent order for a period of two years.

24. The consent order also required the payment of damages to the complainant and the payment of civil penalties to the DCR.

25. On or about the time of the entry of the Consent Order in R.C. v. Long Branch Housing Authority, LBHA adopted a Harassment, Bullying, and Intimidation policy ("Harassment Policy").

26. The Harassment Policy required any harassment complaints to be filed with a direct supervisor, the Chief of Staff, or the Executive Director.

27. However, the Harassment Policy did not provide for the situations where the Chief of Staff is the harasser, or where the Executive Director is aware of his conduct, but fails to take effective remedial measures.

28. In addition, the Harassment Policy did not provide for a situation where a direct supervisor is unable to forward a complaint of harassment to the Chief of Staff or the Executive Director for fear of retaliation.

29. The Harassment policy made no provision for a conflict of interest within the LBHA, such as the Chief of Staff and the Executive Director being close friends.

30. Therefore, the Harassment Policy was inadequate for situations such as the present case, where the harasser is the Chief of Staff, the Executive Director was aware but failed to take effective remedial measures, and the Chief of Staff and the Executive Director were close friends.

31. Moreover, the Harassment Policy was ineffective to prevent the instances of discrimination, harassment, and retaliation complained of herein, among others.

32. On or about the time of the entry of the Consent Order in R.C. v. Long Branch Housing Authority, the LBHA offered a training session regarding discrimination and harassment.

33. However, the training session or about July 2017 was sporadically attended by Defendant Gibson, as he left the training session on multiple occasions to take telephone calls.

34. Defendant Gibson was absent for much of the training session. In addition, upon information and belief, Defendant Gibson was not required to make up his time missed or attend another training session.

35. Despite the Harassment Policy and training session, Plaintiffs were thereafter subjected to harassment, including sexual harassment, discrimination, and retaliation in violation of the LAD.

36. Following the LBHA's receipt of complaints of sexual harassment, in the Spring of 2018, the LBHA's General Counsel conducted a preliminary review which led to Defendant Gibson's being placed on leave from work.

37. Following these complaints, Defendant Gibson threatened, intimidated and retaliated against female employees, including, but not limited to, yelling the word "cowards" through the hallways and asking aloud "why don't they show their faces."

38. In or about January 2018, Defendant Gibson was suspended from employment.

39. Afterwards, the LBHA appointed labor counsel to investigate the reports of harassment.

40. However, the LBHA's investigation was deficient in that the LBHA's investigation failed to interview several pertinent witnesses.

41. In addition, the investigation was conducted within a shroud of secrecy that chilled and interfered with the protected speech and protected activity of victims and witnesses of the sexual harassment investigation and which reduced the opportunity for victims of harassment to come forward.

42. Plaintiffs and other employees who complained and/or participated in the investigation were threatened verbally and in writing that they are prohibited from discussing the allegations of the sexual harassment with anyone. (Hereinafter, the "Confidentiality Directive").

43. In an email dated January 18, 2018, interim executive director, Thomas Sahlin, imposed a Confidentiality Directive imposed upon the complainants and witnesses of the sexual harassment investigation.

44. The Confidentiality Directive stated, in part, “It has been expressed to me that some staff members have already begun discussing the matter, which is to cease immediately ... Under no circumstances are any staff to discuss this matter further.”

45. Mr. Sahlin further requests that supervisors disseminate the Confidentiality Directive to the remainder of the staff, effectively preventing any other women from coming forward.

46. During the investigation, on February 20, 2018, the LBHA’s board of commissioners held a board meeting.

47. Plaintiffs D.A., T.W., and I.B. were required to attend the February 20, 2018 board meeting, along with two other female employees of the LBHA.

48. During this meeting, Defendant Gibson was permitted to continue his campaign of harassment and retaliation despite being suspended from his employment.

49. Following a brief address by the Long Branch City Counsel, Defendant Gibson was permitted by Defendant LBHA to address the room.

50. Defendant Gibson used this opportunity to make several threatening and harassing remarks over several minutes.

51. Defendant Gibson stated that although he did not know for sure who his accusers were, he had “a pretty good idea who those individuals are.” During this statement, Defendant Gibson pointed towards the Plaintiffs present during the meeting. Defendant Gibson repeated this comment at least once more during the meeting.

52. Defendant Gibson ridiculed his victims that had been interviewed, stating that their allegations had changed from harassment, to hostile work environment, to “he makes me

uncomfortable.”

53. Defendant Gibson’s demeanor and tone indicated that his victims should not be believed.

54. Defendant Gibson then accused his victims of comparing notes about him.

55. Defendant Gibson then demanded the identities of the victims of harassment in order to “confront” his “accusers.”

56. Such comments were intimidating, harassing, and retaliatory.

57. Such comments were made in the presence of the interim executive director, Thomas Sahlin, as well as the Chair and commissioners of the Board of the LBHA.

58. The LBHA failed to exercise reasonable care by permitting Defendant Gibson’s intimidating, harassing, and retaliatory conduct at the February 20, 2018 board meeting.

59. Defendant Gibson, through his conduct, did not adhere to the Confidentiality Directive.

60. Upon information and belief, Defendants did not impose the Confidentiality Directive upon Defendant Gibson and/or did not take any action against him for breaching the Confidentiality Directive.

61. On or about June 5, 2018, the LBHA completed its investigation of the harassment which began Spring 2018.

62. Instead of disciplining and terminating Defendant for cause as a result of his unlawful conduct, Defendants permitted Defendant Gibson to resign his employment.

63. Defendants’ actions in permitting Defendant Gibson to resign from his employment, after concluding that he had “violated traditional norms of appropriate workforce

behavior,” confirmed to Plaintiffs and all other employees and residences that the highest levels of Defendants’ management and their Board tolerate sexual harassment at their workplace.

64. The LBHA’s decision to permit Defendant Gibson to resign was communicated to several Plaintiffs herein in or about June 2018.

AS TO PLAINTIFF, S.W.:

65. In or about October 2016, Plaintiff S.W. began working for the LBHA.

66. During her employment, Plaintiff S.W. was subjected to verbal and physical sexual harassment by Defendant Gibson.

67. Plaintiff S.W. often worked at the Woodrow Wilson commons at 157 Garrett Road, Long Branch, New Jersey.

68. Defendant Gibson often made special trips to assign errands or work to Plaintiff S.W. in order to sexually harass and proposition her.

69. In December 2016, during one of his visits, Defendant Gibson asked Plaintiff S.W. for her bra size. Plaintiff S.W. was surprised by this comment and attempted to change the subject. However, Defendant Gibson persisted, to which Plaintiff S.W. explained that the subject of her bra size was none of his business. Defendant Gibson’s responded with words to the effect, “you like it, you like it. You look like a freak.” Plaintiff S.W. responded that she did not.

70. Soon after, Defendant Gibson told Plaintiff S.W. to wear a bra to emphasize her breasts. Plaintiff S.W. did not follow his instructions and instead attempted to avoid Defendant Gibson.

71. However, later that month, Defendant Gibson came into Plaintiff S.W.'s office. He asked where she is staying. Plaintiff S.W. did not want to tell him, so she said she was staying with her sister, but was hoping to move to Long Branch. She mentioned that the job does not pay much so she is looking to stay with a friend nearby.

72. In December 2016, at the holiday party, Defendant Gibson leered at Plaintiff S.W. and made it clear that he wished to have sex with her.

73. In or about January 2017, Plaintiff T.W. traveled to Chicago on business. With Plaintiff T.W. out of the Woodrow Wilson office, Plaintiff S.W. was assigned to that office to fill in every day.

74. As a result of Plaintiff T.W.'s absence, Defendant Gibson's sexually harassing behavior toward Plaintiff S.W. only increased.

75. In January 2017, Defendant Gibson asked Plaintiff S.W. to come to the office to pick something up. When she arrived, he gave her a bag containing panties, bras, and soap.

76. Later that month, while Plaintiff S.W. was attempting to clock out, Defendant Gibson approached her stated something in a voice too soft to hear. When Plaintiff S.W. leaned forward to hear what he was saying, Defendant Gibson reached out and attempted to touch her breasts. Plaintiff S.W. refused to permit him to do so and left the building.

77. Soon after, Defendant Gibson told Plaintiff S.W. that he would provide housing in return for sexual favors.

78. Initially, Plaintiff S.W. refused and stated that Defendant Gibson could keep the apartment.

79. However, as Plaintiff S.W.'s situation grew desperate, Defendant Gibson

increased the pressure to perform sexual favors for him in return for a promotion at work.

80. Plaintiff S.W. refused, telling Defendant Gibson that he could “keep his apartment” and that she did not want a promotion. Despite her response, Defendant Gibson told Plaintiff S.W. that he could get her a job as a site manager and a place to live as long as she did what he told her to do.

81. In or about late January 2017, there was party taking place in the community room. Defendant Gibson came up to Plaintiff S.W. and asked her if she had thought any more about his proposition for a manager position and housing.

82. Defendant quietly requested that Plaintiff S.W. to engage in a sex act called a “threesome” with himself and a “girl in Red Bank,” since according to Defendant Gibson, Plaintiff S.W. “looks like a freak.”

83. Plaintiff S.W. refused.

84. Defendant Gibson then attempted to expose himself to her, but stopped when another person approached the room they were in.

85. When Plaintiff S.W. arrived home that evening, her roommate told her that Defendant Gibson had called him again looking for her.

86. Afterwards, Defendant Gibson’s sexually harassing conduct became even more overt and severe.

87. Soon after the party, when Plaintiff S.W. arrived at work, she was told that Defendant Gibson was waiting for her in his office and had asked to see her. Plaintiff S.W. reluctantly went into Defendant Gibson’s office and left the door open. Defendant Gibson told her to close the door behind her.

88. Defendant Gibson then stood in front of the door and locked it. Defendant Gibson pushed Plaintiff S.W. to her knees and pulled down his pants. Before he could continue this degrading act, another person then knocked on the door. Defendant Gibson quickly pulled up his pants, pretended to help Plaintiff S.W. with paperwork, and opened the door. Plaintiff S.W. took the opportunity to escape and left the room.

89. Over the next few days, Defendant Gibson again came to Woodrow Wilson commons under the pretense of LBHA work.

90. On that day, Defendant Gibson again offered to make Plaintiff S.W. a site manager in return for oral sex.

91. When Plaintiff S.W. refused and tried to leave, Defendant Gibson changed tactics and stated that she was required to comply with his wishes in order to keep her job. Fearing for her job, Plaintiff S.W. complied with Defendant Gibson's demands and performed oral sex.

92. At all times, Defendant Gibson was aware that Plaintiff S.W. was in dire financial circumstances and needed her job.

93. Therefore, Defendant Gibson forced Plaintiff S.W. to perform oral sex on him without her consent.

94. Defendant Gibson forced himself on Plaintiff S.W. on multiple occasions in the same manner, without Plaintiff S.W.'s consent. Defendant Gibson often lured Plaintiff S.W. into the copy room at Woodrow Wilson commons in order to force her to perform sexual favors.

95. Defendant Gibson threatened Plaintiff S.W.'s employment in order to force her to comply with his sexual demands. However, on other occasions, Defendant Gibson threatened violence in order to coerce Plaintiff S.W. to perform sexual acts. In addition,

Defendant Gibson threatened the employment of Plaintiff S.W.'s friend.

96. On another occasion, Defendant Gibson interrupted a meeting that Plaintiff S.W. was having with a tenant by asking the tenant to leave the office. Following the tenant's departure, Defendant Gibson went back to his vehicle to retrieve a bag containing a sexual device known as a "dildo." Defendant Gibson then demanded that Plaintiff S.W. permit herself to be penetrated with the sexual object.

97. Initially, Plaintiff S.W. refused.

98. However, upon being physically threatened by Defendant Gibson, she relented.

99. Defendant Gibson then penetrated her vaginally with the sexual object while masturbating.

100. During this abhorrent act, Plaintiff S.W. was in tears.

101. Following this act of sexual assault, Defendant Gibson ejaculated into a paper towel and cleaned himself off. He then placed the sexual object in a plastic case, wrapped it up inside a shopping bag, and handed the bag to Plaintiff S.W. Defendant Gibson told her to take it home.

102. On another occasion, Defendant Gibson followed Plaintiff S.W. into the ladies' restroom when she entered. Defendant Gibson grabbed Plaintiff S.W. by her hair and bent her over the toilet. Defendant Gibson proceeded to attempt to penetrate her anus with his erect penis.

103. In response, Plaintiff S.W. fought back against Defendant Gibson and screamed for Defendant Gibson to stop. Plaintiff S.W. told him that if he persisted in sexually assaulting her that she would defend herself and call the police. Defendant Gibson replied that Plaintiff

S.W. she was “crazy” and stated words to the effect of “I like your sister better anyway.” Defendant Gibson then left the restroom.

104. By her actions in the restroom, Plaintiff S.W. made clear to Defendant Gibson that she would no longer perform sexual favors in order to keep her job.

105. Following Plaintiff S.W.’s refusal to continue providing sexual favors for Defendant Gibson, Defendant Gibson orchestrated Plaintiff S.W.’s termination.

106. Plaintiff S.W. had previously recommended a friend for employment. At that time, Defendant Gibson employed the friend at the time, as Plaintiff S.W. performing sexual favors in order to keep her job. Plaintiff S.W. did not make the hiring decision regarding her friend.

107. However, after Plaintiff S.W. rejected Defendant Gibson’s sexual advances, Defendant Gibson blamed her friend’s misconduct on her and caused her termination.

108. Such termination occurred in retaliation for Plaintiff S.W. objecting to Defendant Gibson’s sexual demands.

109. Defendant Gibson manipulated Plaintiff S.W. knowing that she was in a tenuous position and exploited his power over her in the workplace over a prolonged period of time.

110. Defendant Gibson made sexually harassing comments or took sexually harassing actions towards others that Plaintiff S.W. witnessed or became aware of through her employment.

111. As a result of the foregoing, Plaintiff S.W. has suffered emotional distress and continues to experience ongoing severe emotional distress and economic damages.

AS TO PLAINTIFF, T.M.

112. During her employment, Plaintiff T.M. was subjected to verbal and physical harassment by Defendant Gibson.

113. Prior to her employment, Plaintiff T.M. was interviewed by Defendant Gibson for three and a half hours and made it clear that he found her attractive. During the interview, Defendant Gibson told Plaintiff T.M. that the dress code was low-cut blouses.

114. Once Plaintiff T.M. began working, Defendant Gibson made constant demeaning and sexually harassing comments towards her.

115. Defendant Gibson told Plaintiff T.M. to wear button up shirts and to keep enough buttons undone to expose her breasts.

116. Defendant Gibson told Plaintiff T.M. that her body's appearance would allow her to go to Miami and "pick up" a professional basketball player on a weekend trip.

117. Defendant Gibson ridiculed Plaintiff T.M.'s appearance in several ways. For instance, Defendant Gibson would hold his arms high up in the air and pantomime moving around her as if her buttocks were extremely large and required a large berth to move around.

118. On other occasions, Defendant Gibson commented that Plaintiff T.M.'s "butt" was "delicious."

119. In addition, Defendant Gibson often leered at Plaintiff T.M. while making an "mmm, mmm" sound. Defendant Gibson also leered at Plaintiff T.M.'s breasts and buttocks when they interacted in the hallway or at the copier.

120. Defendant Gibson often requested that Plaintiff T.M. provide telephone numbers for female housing residents that he found attractive so that he could attempt to date

them.

121. Defendants Gibson's requests for the telephone numbers violated relevant law and LBHA policy.

122. Plaintiff T.M. refused each of his requests.

123. Defendant Gibson retaliated against Plaintiff T.M. for not turning over resident's telephone numbers for the purpose of his sexual exploits.

124. Defendant Gibson also provided inappropriate gifts for Plaintiff T.M.

125. Plaintiff T.M. spoke to Randy Phillips, the Assistant Executive Director, about feeling uncomfortable, but Phillips was unable to take the complaint any further.

126. From 2017 through Defendant Gibson's suspension, Defendant Gibson continued to harass Plaintiff T.M. by asking her inappropriate questions of a sexual nature, for example, "Are you here to see me?", "Are you taking me to lunch?", and "Are you taking me to dinner?".

127. During the same period of time, Plaintiff T.M. became aware of the severe and pervasive sexual harassment of other female employees by Defendant Gibson.

128. In September 2017, Defendant Gibson told Plaintiff T.M. and several other female employees that when Mr. Garrett leaves, he would be in charge and would start "pulling rank."

129. Defendant Gibson manipulated Plaintiff T.M. knowing that she was in a tenuous position and exploited his power over her in the workplace over a prolonged period of time.

130. Defendant Gibson made sexually harassing comments or took sexually harassing actions towards others that Plaintiff T.M. witnessed or became aware of through her

employment.

131. As a result of the foregoing, Plaintiff T.M. has suffered emotional distress and continues to experience ongoing severe emotional distress and economic damages.

AS TO PLAINTIFF T.W.

132. Plaintiff T.W. began working for the LBHA in February 2002.

133. For much of her employment, Plaintiff T.W. was assigned to the Woodrow Wilson commons at 157 Garrett Road, Long Branch, New Jersey.

134. During her employment, Plaintiff T.W. was subjected to verbal and physical harassment by Defendant Gibson.

135. In or about 2007, Defendant Gibson insinuated in a conversation with Plaintiff T.W. that she was having sex with Tyrone Garrett, executive director of the LBHA, calling Plaintiff T.W. a “dirty dog.”

136. Defendant Gibson stated to Plaintiff T.W. in 2008 during a formal meeting, in the presence of other female employees, that she was wearing a nice skirt and she should go “warm up the guys,” referring to the male construction workers in another room. Plaintiff T.W. was humiliated by the harassing statement.

137. In or about 2008, Defendant Gibson gave Plaintiff T.W. a brown bag containing women’s thong underwear by dropping it on her desk in her presence. In response Plaintiff T.W. complained to Defendants.

138. No action was taken in response to Plaintiff T.W.’s complaints.

139. In addition, Defendant Gibson frequently requested that Plaintiff T.W. have sex with him or find someone else to have sex with him. For instance, Defendant Gibson often

requested that Plaintiff T.W. find “freaky friends” for his sexual exploits. Plaintiff T.W. refused these requests.

140. Defendant Gibson also offered Plaintiff T.W. money for sex. Defendant Gibson requested that Plaintiff T.W. write down a monetary figure on a piece of paper, such figure representing the amount of money he would pay for sex with her. Defendant Gibson repeatedly and loudly requested the figure while flailing the paper in the air.

141. Defendant Gibson repeated this this demeaning and harassing act with other women he took an interest in.

142. On other occasions, Defendant Gibson requested Plaintiff T.W. and he meet for sex by leering at her body and saying words to the effect of “let’s meet.”

143. Defendant Gibson also often requested that Plaintiff T.W. expose herself to him by saying words to the effect of “show me something” while gesturing to her breasts or genitals. On other occasions, Defendant Gibson requested to see her nipples.

144. As Plaintiff T.W. worked off-site, Defendant Gibson traveled to her assigned work location in order to pressure her for sex, ask her to expose herself, or expose himself to her.

145. Following the retirement of Tyrone Garrett, Defendant Gibson increased the frequency and severity of his harassment towards Plaintiff T.W.

146. During the fall of 2017, Defendant Gibson exposed his penis to Plaintiff T.W. and stated words to the effect of “come on, come on”, “help me, help me,” making it clear that he wanted Plaintiff T.W. to masturbate him. Plaintiff T.W. refused. However, Defendant Gibson did not stop there.

147. Less than a week later, Defendant Gibson again exposed himself to Plaintiff T.W.

but when she again refused, Defendant Gibson masturbated and ejaculated in her presence.

148. In addition, during the same period of time, Defendant Gibson fondled Plaintiff T.W.'s buttocks while she was going up the stairs without her consent.

149. Plaintiff T.W. told other employees of her experience but was afraid to formally complain for fear of retaliation.

150. In addition, as a result of the deficient Harassment Policy and the conflict of interest as a result of Defendant Gibson and Defendant Garrett being extremely close friends, Plaintiff T.W. was required to work in a hostile work environment without recourse of due to Defendant Gibson's unchecked power over his staff.

151. Defendant Gibson manipulated Plaintiff T.W. knowing that she was in a tenuous position and exploited his power over her in the workplace over a prolonged period of time.

152. As a result of the foregoing, Plaintiff T.W. has suffered emotional distress and continues to experience ongoing severe emotional distress and economic damages.

AS TO PLAINTIFF, I.B.

153. Plaintiff, I.B. began working for the LBHA in 1992 as a file clerk.

154. During her employment, Plaintiff I.B. was subjected to verbal and physical harassment by Defendant, Gibson.

155. Defendant Gibson made sexually harassing comments to Plaintiff I.B. about her hair, clothes, makeup, jewelry, and appearance.

156. Defendant Gibson told Plaintiff I.B. on many occasions that she was beautiful and pretty.

157. As a result, Plaintiff I.B. would be careful what she wore to work and decided not

to wear certain clothing because of Defendant Gibson's sexual advances.

158. Specifically, when Plaintiff I.B. would wear a certain outfit, Defendant Gibson would comment that if he were her boyfriend, he would not "let her wear clothes like that."

159. Defendant Gibson also instructed Plaintiff I.B. to wear her hair down, and to keep it curly instead of straight.

160. Plaintiff I.B. became aware that Defendant Gibson maintained a sexual relationship with a female employee and heard a rumor that he was engaging in sexual acts at work.

161. In addition, Plaintiff I.B. supported the employee and witnessed Defendant Gibson's retaliation after the employee ceased her sexual relationship with Defendant Gibson.

162. Following the employee's termination, Plaintiff I.B. witnessed Defendant Gibson attempt to attack the employee and scream at her when the employee visited the LBHA regarding housing matters.

163. Further, Plaintiff I.B. witnessed Defendant Gibson treating female housing residents that were subject to "Fair Hearings" in a sexually discriminatory and demeaning manner. For instance, Defendant Gibson made the following comments in the presence of Plaintiff I.B. during the Fair Hearings, among others:

- a. "Where is your baby daddy?"
- b. In reference to a pregnant woman - "Who got you this way?" and "Do you have plans to get married?"
- c. "How many kids do you have? Who are they by?"
- d. "You couldn't wear something better today?"

164. Such comments violated LBHA policy and relevant law.

165. Further, Plaintiff I.B. witnessed much of Defendant Gibson's sexual harassment of Plaintiffs T.W., K.H., and T.M.

166. In addition, as a result of the deficient Harassment Policy and the conflict of interest as a result of Defendant Gibson and Defendant Garrett being extremely close friends, Plaintiff T.W. was required to work in a hostile work environment without recourse of due to Defendant Gibson's unchecked power over his staff.

167. As a result of the foregoing, Plaintiff I.B. has suffered emotional distress and continues to experience ongoing severe emotional distress and economic damages.

AS TO PLAINTIFF, K.H.

168. Plaintiff, K.H. began working for the LBHA in April 2015 as a volunteer front desk receptionist. She began working as a site manager in November, 2017.

169. During her employment, Plaintiff K.H. was subjected to verbal and physical harassment by Defendant Gibson.

170. Defendant Gibson also propositioned Plaintiff K.H. for sex. In April/May 2015, while sitting at the front desk, Defendant Gibson threw a sticky pad at Plaintiff K.H. and asked her for a monetary number to have sex with him.

171. Defendant Gibson made similar offers to other female employees.

172. In 2015, Defendant Gibson called Plaintiff K.H. upstairs to his office. Defendant Gibson asked Plaintiff K.H. to close the door behind her. Defendant Gibson said he wanted to touch Plaintiff K.H. Plaintiff K.H. asked for Defendant Gibson to stop and mentioned that they were on camera.

173. Defendant Gibson ignored Plaintiff K.H.'s pleas and ordered her to come to him. Defendant Gibson then began groping her. Defendant Gibson told Plaintiff K.H. that he was a breast man and that her breasts were not like they looked in the picture.

174. Defendant Gibson told Plaintiff K.H. that he told his sex partner about her and that she wanted to meet Plaintiff K.H. in order to have a threesome.

175. Defendant Gibson also gave Plaintiff K.H. women's underwear as a gift.

176. Defendant Gibson made deprecating and degrading remarks regarding Plaintiff K.H.'s gender.

177. For instance, Defendant Gibson told Plaintiff K.H. that her lipstick was too dark, too light, or too red, that dress was too bright, or too dark, or that her outfit was too tight. In addition, Defendant Gibson made insulting facial expressions while demeaning Plaintiff K.H. and her appearance. In addition, Defendant Gibson ridiculed Plaintiff K.H. about her hair by calling her Tina Turner and Mary J. Blige.

178. Such conduct continued up until Defendant Gibson was suspended from his employment in January 2018.

179. In addition, as a result of the deficient Harassment Policy and the conflict of interest as a result of Defendant Gibson and Defendant Garrett being extremely close friends, Plaintiff K.H. was required to work in a hostile work environment without recourse of due to Defendant Gibson's unchecked power over his staff.

180. Defendant Gibson manipulated Plaintiff K.H. knowing that she was in a tenuous position and exploited his power over her in the workplace over a prolonged period of time.

181. As a result of the foregoing, Plaintiff K.H. has suffered emotional distress and

continues to experience ongoing severe emotional distress and economic damages.

AS TO PLAINTIFF, D.A.

182. Plaintiff, D.A. began working for the LBHA in 2013.

183. During her employment, Plaintiff was subjected to verbal and physical harassment by Defendant Gibson.

184. Defendant Gibson made remarks demeaning to the female gender in the presence of Plaintiff D.A. For instance, Defendant Gibson routinely made comments to the effect that women needed a male leader, or that a woman needed a man in the house to tell her how to act.

185. In addition, Defendant Gibson made sexually harassing remarks to Plaintiff D.A., about her and other female employees.

186. For instance, on several occasions, Plaintiff D.A. witnessed Defendant Gibson making sexually harassing comments and gestures in reference to Plaintiff T.W.'s buttocks and body.

187. Further, Defendant Gibson made demeaning remarks about Plaintiff D.A.'s underage daughter, stating words to the effect that she would be "trouble when she grows up."

188. Defendant Gibson also made inappropriate remarks concerning body types of other women. On other occasions, Defendant Gibson remarked upon a female employee losing weight in her buttocks, commenting that she was "losing her padding."

189. In September 2017, Plaintiff D.A. moved in with her boyfriend. In response to hearing about this development, Defendant Gibson made remarks to the effect that Plaintiff D.A. was happier because she must be sexually satisfied.

190. Further, Plaintiff D.A. witnessed Defendant Gibson treating female housing residents that were subject to “Fair Hearings” being treated in a sexually discriminatory and demeaning manner.

191. In addition, as a result of the deficient Harassment Policy and the conflict of interest as a result of Defendant Gibson and Defendant Garrett being extremely close friends, Plaintiff D.A. was required to work in a hostile work environment without recourse of due to Defendant Gibson’s unchecked power over his staff.

192. Further, during the purported investigation of the sexual harassment allegations in the of Spring 2018, the LBHA’s labor counsel and appointed investigator failed to interview Plaintiff D.A. or provide her an opportunity to come forward.

193. As a result of the foregoing, Plaintiff D.A. has suffered emotional distress and continues to experience ongoing severe emotional distress and economic damages.

FIRST COUNT

NEW JERSEY LAW AGAINST DISCRIMINATION (“LAD”) N.J.S.A. 10:5-1, et seq. – HOSTILE WORK ENVIRONMENT

194. Plaintiffs repeat and reallege each of the prior allegations of the within Complaint as if set forth at length herein.

195. During all times relevant to this cause of action, Defendants are a “person” and “employer” as those terms are defined by the LAD, N.J.S.A. 10:5-5(a) and (c).

196. During all times relevant to this cause of action, Plaintiffs are a “person” and “employee” as those terms are defined by the LAD, N.J.S.A. 10:5-5(a) and (f).

197. The harassment and discrimination directed toward Plaintiffs and others was unwelcome and based upon their sex.

198. The complained of conduct would not have occurred but for Plaintiffs' sex.

199. The complained of conduct was severe or pervasive enough to make a reasonable woman believe that the conditions of her employment were altered and the working environment was hostile or abusive.

200. The harassing conduct was caused, in part, by the conduct of supervisors and/or managers.

201. Defendants knew of the harassment and failed to undertake appropriate remedial action and/or Defendants were otherwise negligent in allowing the harassing atmosphere and hostile work environment to exist.

202. Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiffs from discriminatory behavior and retaliation.

203. Defendants did not have an effective anti-harassment policy in place, Defendants have not maintained an anti-harassment policy that is current and effective, and Defendants' anti-harassment policy existed in name only.

204. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment and retaliation.

205. Defendants did not properly train supervisors and/or employees on the subject of discrimination, harassment and retaliation.

206. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

207. Defendants did not have a commitment from the highest levels of management that harassment will not be tolerated.

208. In fact, the highest levels of management engaged in the unlawful harassment and deliberately and actively discriminated against Plaintiffs and retaliated against them.

209. As the employers of Plaintiffs, Defendant LBHA is vicariously, strictly, and/or directly liable to Plaintiffs pursuant to the New Jersey Law Against Discrimination (“LAD”), N.J.S.A. 10:5-1, et seq., in that the affirmative acts of sexual harassment and discrimination committed by Defendants occurred within the scope of their employment; the creation of the hostile work environment was aided by Defendant LBHA in delegating power to the Defendants to control the day-to-day working environment; Defendant LBHA was deliberately indifferent, reckless, negligent and/or tacitly approved the hostile work environment; and/or Defendant LBHA failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, monitoring mechanisms for same despite the foreseeability of sexual harassment and discrimination in the workplace; and/or by having actual knowledge of the harassment and/or hostile work environment and failing to promptly and effectively act to stop it.

210. Defendant Gibson and/or Defendant Garrett participated in, condoned, ratified, perpetuated and/or aided and abetted the LAD violations.

211. Defendants are also vicariously liable for the unlawful conduct of Defendants Gibson and Garrett described herein.

212. Defendants delegated to Defendants Gibson and Garrett the authority to supervise and control the hostile work environment.

213. Defendants Gibson and Garrett exercised such authority, which resulted in violations of the LAD.

214. The authority delegated by Defendants to Defendants Gibson and Garrett aided Defendant Gibson in sexually harassing and injuring Plaintiffs.

215. In addition, Defendants delegated the authority to investigate unlawful acts to Defendants Gibson and Garrett, and those Defendants failed to so act.

216. Plaintiffs suffered one or more tangible employment actions, including being the subject of a pattern of harassing and/or retaliatory act, demotion, stripping away of certain duties and responsibilities, constructive discharge, and termination.

217. Defendants' acts or omissions were the cause of Plaintiffs' harm, and Defendants' acts or omissions were motivated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

218. As a result of Defendants' conduct, Plaintiffs have suffered, and continue to suffer, emotional distress, economic loss and other damages recoverable under the LAD.

WHEREFORE, Plaintiffs demand judgment against Defendants for harm suffered due to the aforesaid violations of the LAD as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Equitable Relief;
- F. Reinstatement;
- G. Punitive damages;
- H. Pre-judgment interest and enhancements to off-set negative tax consequences;

- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Declaring that Defendants have violated the LAD and requiring the Defendants to take appropriate corrective action to end discrimination in the workplace;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the efficiency of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the efficiency of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the efficiency of their anti-harassment training;

- U. Ordering Defendants to engage a research organization to assess the efficiency of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the efficiency of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and,
- Z. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

SECOND COUNT

LAD – RETALIATION

219. Plaintiffs repeat and reallege each and every prior allegation of the Complaint as if set forth at length herein.

220. Defendants' harassing and retaliatory conduct and/or treatment of Plaintiffs was in retaliation for Plaintiffs' exercise, attempted exercise and/or enjoyment of rights provided to them under the LAD, including their right to work in a discrimination-free work environment.

221. The retaliatory actions taken by Defendants against Plaintiffs are in violation of the LAD.

222. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

223. As a direct and proximate result of Defendants' violation of the LAD, Plaintiffs have suffered compensatory, emotional distress and other damages.

WHEREFORE, Plaintiffs demands judgment against Defendants for harm suffered due to the aforesaid violation of the LAD as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Equitable Relief;
- F. Reinstatement;
- G. Punitive damages;
- H. Pre-judgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Declaring that Defendants have violated the LAD and requiring the Defendants to take appropriate corrective action to end discrimination in the workplace;

- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the efficiency of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the efficiency of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the efficiency of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the efficiency of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the efficiency of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;

- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and,
- Z. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

THIRD COUNT

**NEW JERSEY LAW AGAINST DISCRIMINATION – QUID PRO QUO HARASSMENT
N.J.S.A. 10:5-1 et seq.**

224. Plaintiffs repeat and reallege each of the allegations of the within Complaint as if set forth at length herein.

225. Defendant Gibson made unwanted advances of a sexual nature as set forth herein.

226. Plaintiffs' employment was conditioned, by words and conduct, on Plaintiffs' acceptance of Defendant Gibson's sexual advances or conduct and employment decisions affecting Plaintiffs were made based on their rejection of the alleged conduct.

227. The aforesaid conduct by Defendants was and is a violation of the NJLAD.

228. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

229. As a direct and proximate result of Defendants' violations of the NJLAD, Plaintiffs have suffered emotional distress, economic loss and other compensatory damages.

WHEREFORE, Plaintiffs demand judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Equitable Relief;
- F. Reinstatement;
- G. Punitive damages;
- H. Pre-judgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Declaring that Defendants have violated the LAD and requiring the Defendants to take appropriate corrective action to end discrimination in the workplace;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;

- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the efficiency of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the efficiency of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the efficiency of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the efficiency of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the efficiency of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and,
- Z. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

FOURTH COUNT

ASSAULT

(Plaintiffs T.W., S.W., and K.H. as to Defendant Gibson)

230. Plaintiffs repeat and reallege each and every prior allegation of the Complaint as if set forth at length herein.

231. Plaintiffs were subjected to the intentional tort of assault by Defendant Gibson.

232. Defendant Gibson intended to cause offensive contact with the persons of the Plaintiffs, or an imminent apprehension of such contact, and thereby placed the Plaintiffs in imminent apprehension of such contact.

233. Defendant Gibson's actions were committed with actual malice or accompanied by a wanton and willful disregard of Plaintiffs, who foreseeably might be harmed by those acts.

234. Defendant Gibson's actions and conduct constitute assault under New Jersey common law and Defendant is liable in tort to Plaintiffs.

235. Defendant Gibson is liable in damages to Plaintiffs for all injuries proximately caused by his actions which put Plaintiffs in immediate apprehension and fear of harmful and offensive physical contact.

236. As a result of Defendant Gibson's conduct, Plaintiffs have suffered and/or continue to suffer bodily injury, emotional distress, economic loss, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendant Gibson for harm suffered due to the aforesaid conduct as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;

- D. Consequential damages;
- E. Punitive damages;
- F. Pre-judgment interest and enhancements to offset negative tax consequences;
- G. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted under law); and
- I. Such other relief as may be available and which the Court deems just and equitable.

FIFTH COUNT

BATTERY

(Plaintiffs T.W., S.W., and K.H. as to Defendant Gibson)

237. Plaintiffs repeat and reallege each and every prior allegation of the Complaint as if set forth at length herein.

238. Plaintiffs were subjected to the intentional tort of battery by Defendant Gibson.

239. Defendant Gibson intentionally touched Plaintiffs in an offensive manner without Plaintiffs' consent at times during their employment.

240. Defendant Gibson's actions were committed with actual malice or accompanied by a wanton and willful disregard of Plaintiffs, who foreseeably might be harmed by those acts.

241. Defendant Gibson's actions and conduct constitute battery under New Jersey common law and Defendant is liable in tort to Plaintiffs.

242. Defendant Gibson's conduct caused harmful physical contact with Plaintiffs, who suffered pain and a physical impairment to their bodies as a result of Defendant Gibson's actions.

243. Defendant Gibson's conduct caused offensive physical contact with Plaintiffs, who suffered an affront to their personal dignity as a result of Defendant Gibson's actions.

244. Defendant Gibson is liable in damages to Plaintiffs for all injuries proximately caused by his nonconsensual touching of Plaintiffs.

245. As a result of Defendant Gibson's conduct, Plaintiffs have suffered and/or continue to suffer bodily injury, emotional distress, economic loss, and other damages.

WHEREFORE, Plaintiffs demand judgment against Defendant Gibson for harm suffered due to the aforesaid conduct as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Punitive damages;
- F. Pre-judgment interest and enhancements to offset negative tax consequences;
- G. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted under law); and

H. Such other relief as may be available and which the Court deems just and equitable.

SIXTH COUNT

FALSE IMPRISONMENT (Plaintiffs T.W., S.W., and K.H. as to Defendant Gibson)

246. Plaintiffs repeat and reallege each and every prior allegation of the Complaint as if set forth at length herein.

247. Plaintiffs were subjected to the intentional tort of false imprisonment by Defendant Gibson.

248. Defendant Gibson restrained and/or confined Plaintiffs against each Plaintiff's will.

249. Defendant Gibson lacked proper legal authority or justification for such restraint or confinement of Plaintiffs.

250. Defendant Gibson's actions were committed with actual malice or accompanied by a wanton and willful disregard of Plaintiffs, who foreseeably might be harmed by those acts.

251. Defendant Gibson's actions and conduct constitute false imprisonment under New Jersey common law and Defendant is liable in tort to Plaintiffs.

252. Defendant Gibson is liable in damages to Plaintiffs for all injuries proximately caused by his false imprisonment of Plaintiffs.

253. As a result of Defendant Gibson's conduct, Plaintiffs have suffered and/or continue to suffer bodily injury, emotional distress, economic loss, and other damages.

WHEREFORE, Plaintiffs demand judgment against Defendant Gibson for harm suffered due to the aforesaid conduct as follows:

- A. Back pay and benefits;
- B. Front pay and benefits;
- C. Compensatory damages;
- D. Consequential damages;
- E. Punitive damages;
- F. Pre-judgment interest and enhancements to offset negative tax consequences;
- G. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted under law); and
- H. Such other relief as may be available and which the Court deems just and equitable.

SEVENTH COUNT

VIOLATION OF NJ CIVIL RIGHTS ACT

254. Plaintiffs repeat, reallege and incorporate by reference each and every allegation stated above as if fully set forth herein.

255. N.J.S.A. 10:6-2(c) states, in pertinent part:

Any person who has been deprived of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief.

256. The First Amendment of the New Jersey State Constitution § 6 states, in relevant part:

Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.

257. Defendants have subjected Plaintiffs that Defendants' policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, in connection with Defendants' investigation into Plaintiffs' complaints of sexual harassment and discrimination.

258. Defendants' policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, interfered with Plaintiffs' rights under the First Amendment by threatening, intimidating, and/or coercing Plaintiffs to keeping their protected complaints and protected activities confidential or else face disciplinary action, up to and including termination.

259. This threat of disciplinary action, up to and including termination, was made by persons acting under color of law.

260. Plaintiffs' rights under the First Amendment are substantive rights, privileges or immunities secured by the Constitution of this State, within the meaning of N.J.S.A. 10:6-2(c).

261. Discussing the facts and circumstances surrounding Plaintiffs' complaints of sexual harassment and discrimination, as well as the investigation into same, is inherently speech on a matter of public concern, bringing it within the protection of the First Amendment.

262. Defendants' policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality

Directive, barring Plaintiffs from discussing any matters related to their protected complaints of discrimination and harassment and Defendants' investigation into same, is not a restriction on speech that is necessary for Defendants to operate efficiently and effectively.

263. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and continue to suffer career damage, financial loss, damage to their reputation and emotional distress.

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and against Defendants as follows:

- A. Economic damages;
- B. Compensatory damages, including damages for emotional distress;
- C. Compensation for reputational damage;
- D. Attorneys' fees and costs of suit;
- E. Punitive damages; and
- F. Such other relief as the Court may deem equitable and just.

EIGHTH COUNT

DECLARATORY JUDGMENT

264. Plaintiffs repeat and reallege each and every prior allegation of the Complaint as if set forth at length herein.

265. Plaintiffs seek relief under the New Jersey Declaratory Judgment Act, N.J.S.A. 2A:16-50 *et seq.* which allows parties to sue for a judicial declaration in order to declare and settle the rights and obligations of the parties.

266. Plaintiffs seek a declaration that Defendants' Harassment Policy, which includes its policy and practice in investigating harassment complaints and requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, are contrary to the law, including the State Constitution, LAD, and public policy and therefore must be deemed null and void.

267. In enacting the LAD, the Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability or nationality, are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State.

268. The Legislature further finds that because of discrimination, people suffer personal hardships, and the State suffers a grievous harm.

269. The Legislature intends that damages resulting from LAD violations be available to all persons protected by this act and that this act shall be liberally construed in combination with other protections available under the laws of this State.

270. The LAD requires that employers maintain an effective anti-harassment policy in place that includes the employer conducting fair, prompt and thorough investigations into complaints of sexual harassment.

271. Plaintiffs are persons protected by the LAD.

272. Plaintiffs are alleging violations of the LAD pursuant to N.J.S.A. 10:5-1, *et seq.* as set forth in this Complaint.

273. In order for persons to advance LAD claims, it is necessary to declare Defendants' anti-harassment policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, null and void.

274. Plaintiffs' rights under the LAD are being and will continue to be violated by the Defendants' Harassment Policy, including policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive.

275. The Defendants' Harassment Policy, including its policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, interferes with Plaintiffs' and other similarly situated State employees' rights protected and/or afforded under the State's Constitution, LAD and public policy.

276. Plaintiffs therefore seek a declaratory judgment that Defendants' Anti-Harassment and its policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, is null and void as violative of the State Constitution, LAD and public policy.

WHEREFORE, Plaintiffs respectfully requests that the Court enter judgment in their favor and against Defendants as follows:

- A. Declaring that Defendants' Anti-Harassment Policy, including its policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, as applied to Plaintiffs and similarly situated employees, as null and void and in violation of the state law and public policy;
- B. Requiring Defendants to review and change their Anti-Harassment Policy, including Defendants' policy and practice in requiring strict confidentiality of complainants and witnesses in connection with harassment investigations, including the Confidentiality Directive, to become compliant with state law and public policy.
- C. Attorney's fees and costs; and
- D. Awarding any and all such other relief as deemed just and warranted.

SMITH EIBELER, LLC

s/ Christopher Eibeler

By:

CHRISTOPHER J. EIBELER
Attorneys for Plaintiffs

Dated: February 22, 2019

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby stated to the best of my knowledge and belief that the matter in controversy is not the subject of any other action pending or contemplated in any other court or of a pending arbitration proceeding. Further, Plaintiff is unaware of any non-party who should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same

transactional facts. I further certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

SMITH EIBELER, LLC

By: *s/ Christopher Eibeler*
CHRISTOPHER J. EIBELER
Attorneys for Plaintiffs

Dated: February 22, 2019

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.

SMITH EIBELER, LLC

By: *s/ Christopher Eibeler*
CHRISTOPHER J. EIBELER
Attorneys for Plaintiffs

Dated: February 22, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Christopher J. Eibeler, Esq. is designated as trial counsel for the above-captioned matter.

SMITH EIBELER, LLC

By: *s/ Christopher Eibeler*
CHRISTOPHER J. EIBELER
Attorneys for Plaintiffs

Dated: February 22, 2019